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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,171	01/17/2002	Shinji Negishi	09792909-5310	3180
26263	7590	09/16/2005		
SONNENSCHN NATH & ROSENTHAL LLP P.O. BOX 061080 WACKER DRIVE STATION, SEARS TOWER CHICAGO, IL 60606-1080			EXAMINER STEVENS, ROBERT	
			ART UNIT 2176	PAPER NUMBER

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/052,171

Applicant(s)

NEGISHI ET AL.

Examiner

Robert M. Stevens

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This action is responsive to communications: amendment filed 7/21/2005 to the original application filed 1/17/2002 by Negishi et al entitled "Conversion Apparatus ...".
2. The Office substantially maintains the FAOM rejections of claims 1-10, 12-17, 21-22 and 24-27 under 35 U.S.C. 103(a) as being unpatentable over Harrington in view of Guthrie, in view of the amendment, with modifications corresponding to the amendment changes.
3. The Office substantially maintains the FAOM rejections of claims 11 and 23 under 35 U.S.C. 103(a) as being unpatentable over Harrington in view of Guthrie and in further view of Sokolov, in view of the amendment, with modifications corresponding to the amendment changes.
4. The Office substantially maintains the FAOM rejections of claims 18-20 under 35 U.S.C. 103(a) as being unpatentable over Harrington in view of Guthrie and in further view of Underwood, in view of the amendment, with modifications corresponding to the amendment changes.
5. Claims 1-27 are pending. Claim 1, 6 10 and 22 are independent.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-10, 12-17, 21-22 and 24-27 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Harrington et al (US Patent No. 6,775,820, filed Nov. 29, 2000 and issued Aug. 10, 2004, hereafter referred to as "Harrington") in view of Guthrie (US Patent No. 6,266,681, filed Apr. 8, 1997 and issued Jul. 24, 2001, hereafter referred to as "Guthrie").

**Regarding independent claim 1**, Harrington discloses:

*A conversion apparatus (Fig. 3 and Fig. 4, esp. #410) receiving a document and a script as receiving data (Fig. 4 #404 and #406), comprising:*

*... ; and*

*computer readable code for substituting a script calling portion in the document with a portion for calling the script stored in said memory. (Fig. 5 #520, 524, 528, col. 7 lines 9-24 and claim 12)*

However, Harrington does not explicitly disclose:

*... :*

*a memory for storing at least the script extracted from the receiving data, the memory being located on a server configured to receive and send data to a client; and*

*...*

Guthrie, though, discloses:

... :

*a memory for storing at least the script extracted from the receiving data, the memory being located on a server configured to receive and send data to a client;* (col. 9 lines 25-67 disclose the well known concept of a client/server architecture, it further being merely a matter of obvious design choice as to what one stores and where one stores it) *and*

... .

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Guthrie for the benefit of Harrington, because to do so would have allowed a programmer into an existing document, as taught by Guthrie in the Abstract. These references were all applicable to the same field of endeavor, i.e., web-based programming.

**Regarding claim 2**, which is dependent upon claim 1, Harrington further discloses:

*wherein the script is embedded in or attached to the document.* (Fig. 4 #406)

**Regarding claim 3**, which is dependent upon claim 2, Harrington further discloses:

*wherein the document and the script are separately provided.* (Fig. 4 #404 and Fig. 5 #520 re: Visual Basic Script, it being merely a matter of obvious design choice as to how one divides up the data to be processed.)

**Regarding claim 4**, which is dependent upon claim 1, Harrington further discloses:

*wherein said conversion apparatus is provided in a relay server for sending and receiving data to and from a client.* (col. 2 lines 55-58 and Fig. 1 #104, it being merely a matter of obvious design choice as to where one chooses to host any or all processing functions)

**Regarding claim 5**, which is dependent upon claim 1, the limitations of claim 1 have been previously addressed.

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However, Harrington does not explicitly disclose:

*wherein said memory stores the document and the script.*

Guthrie, though, discloses:

*wherein said memory stores the document and the script.* (Fig. 3 #505, #509 and #510, and col. 9 lines 25-67 disclose the well known concept of a client/server architecture, it being merely a matter of obvious design choice as to what one stores and where one stores it)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Guthrie for the benefit of Harrington, because to do so would have allowed a programmer into an existing document, as taught by Guthrie in the Abstract. These references were all applicable to the same field of endeavor, i.e., web-based programming.

**Independent claim 6** is directed to a method implemented by the apparatus of claim 1.

As such, this claim is substantially similar to claim 1, and therefore likewise rejected.

**Claims 7-9** are substantially similar to claims 2-4, and therefore likewise rejected.

**Regarding independent claim 10**, Harrington discloses:

*A script conversion system (Abstract), comprising:*

*a relay server for sending and receiving data to and from at least one client (col. 2 lines 55-58 and Fig. 1 #104 and #108), said script conversion system being used for requesting a document and displaying the requested document by said client, (Fig. 1 #108/110/112 and col. 2 lines 39-44 and col. 1 lines 6-10)*

*said relay server (Fig. 1 #104, shows the well known use of servers, it being merely a matter of obvious design choice as to the number of servers employed and the functions hosted on each server) comprising:*

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*conversion means for receiving a document and a script (Fig. 4 #404 and #406), extracting at least the script from the document (Fig. 5 #506/512/520/524/528) and*

*... ;*

*substituting a script calling portion in the document with a portion for calling the script stored in said storage means, (Fig. 5 #520/524/528) and outputting a resulting document as a converted document; (Abstract discusses the converted document being compatible with OS/2 browsers [which output/display web documents]) and*

*script execution means for executing the script, (Abstract re: browsers) wherein said relay server sends the converted document to said client, (Fig. 1 #104 and 108, and col. 7 lines 55-63) and a script called by said client is executed by said script execution means. (Abstract re: browsers)*

However, Harrington does not explicitly disclose:

*...:*

*... ,*

*...:*

*... and*

*the script and storing the script in storage means;*

*... ; and*

*... .*

Guthrie, though, discloses:

*...:*

*... ,*

*...:*

*... and*

*the script and storing the script in storage means; (Fig. 5 #505 and #509, it being merely a matter of obvious design choice as to what one stores and where one stores it)*

*... ; and*

*... .*

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Guthrie for the benefit of Harrington, because to do so would have

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allowed a programmer into an existing document, as taught by Guthrie in the Abstract. These references were all applicable to the same field of endeavor, i.e., web-based programming.

**Regarding claim 12**, which is dependent upon claim 10, the limitations of claim 10 have been previously addressed.

However, Harrington does not explicitly disclose:

*wherein said relay server receives the document directly from a document server in which documents are stored, or from said document server via an external recording medium.*

Guthrie, though, discloses:

*wherein said relay server receives the document directly from a document server in which documents are stored, or from said document server via an external recording medium.* (col. 2 lines 30-45 discusses the use of multiple servers, it being merely a matter of obvious design choice as to where data is stored and the number of servers utilized)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Guthrie for the benefit of Harrington, because to do so would have allowed a programmer into an existing document, as taught by Guthrie in the Abstract. These references were all applicable to the same field of endeavor, i.e., web-based programming.

**Claim 13** is substantially similar to claim 2, and therefore likewise rejected.

**Regarding claim 14**, which is dependent upon claim 13, the limitations of claim 13 have been previously addressed.



However, Harrington does not explicitly disclose:

*wherein said storage means comprises script storage means, and, when a display portion and the script, which form the document, are separately provided, said storage means stores the script in said script storage means, and the script calling portion in the document is substituted with the portion for calling the script stored in said script storage means.*

Guthrie, though, discloses:

*wherein said storage means comprises script storage means, (Fig. 5 #509 and #505) and, when a display portion and the script, which form the document, are separately provided, (Fig. 5 #510, 509, it being merely a matter of obvious design choice as to where/how data is stored) said storage means stores the script in said script storage means, (Fig. 5 #509) and the script calling portion in the document is substituted with the portion for calling the script stored in said script storage means. (Fig. 5 #510)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Guthrie for the benefit of Harrington, because to do so would have allowed a programmer into an existing document, as taught by Guthrie in the Abstract. These references were all applicable to the same field of endeavor, i.e., web-based programming.

**Claim 15** is substantially similar to claim 12, and therefore likewise rejected.

**Regarding claim 16**, which is dependent upon claim 10, the limitations of claim 10 have been previously addressed.

However, Harrington does not explicitly disclose:

*wherein said storage means comprises document storage means for storing at least the document, and said storage means stores the document and the script in said document storage means.*

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Guthrie, though, discloses:

*wherein said storage means comprises document storage means for storing at least the document, (Fig. 5 #505) and said storage means stores the document and the script in said document storage means. (Fig. 5 #505, 510, 509, it being merely a matter of obvious design choice as to where/how data is stored)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Guthrie for the benefit of Harrington, because to do so would have allowed a programmer into an existing document, as taught by Guthrie in the Abstract. These references were all applicable to the same field of endeavor, i.e., web-based programming.

**Regarding claim 17**, which is dependent upon claim 10, Harrington further discloses:

*wherein, when an execution result document obtained as a result of executing the script in said relay server is output, the execution result document is returned to said client, and is displayed in said client. (Abstract, discussing the converted document being compatible with OS/2 browsers [which display web documents])*

**Regarding claim 21**, which is dependent upon claim 10, the limitations of claim 10 have been previously addressed.

However, Harrington does not explicitly disclose:

*wherein said relay server serves the functions of a document server by storing the document in said relay server in advance.*

Guthrie, though, discloses:

*wherein said relay server serves the functions of a document server by storing the document in said relay server in advance. (Fig. 5 #500, 510, 509, it being merely a matter of obvious design choice as to where/how data is stored)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Guthrie for the benefit of Harrington, because to do so would have allowed a programmer into an existing document, as taught by Guthrie in the Abstract. These references were all applicable to the same field of endeavor, i.e., web-based programming.

**Regarding independent claim 22, Harrington discloses:**

*A script conversion method (Abstract) for requesting from at least one to a document server to send a document via a relay server and displaying the requested document in said client (Abstract, col. 2 lines 55-58, Fig. 1 #104/108) and for displaying the received document (Fig. 1 #108, and col. 2 lines 39-45 and col. 1 lines 6-10), said script conversion comprising:*

*receiving the document and a script from said document server by said relay server; (Fig. 4 #404/406)*

*extracting at least the script from the document and the script; (Fig. 5 #506/512/520/524/528, col. 7 lines 9-24 and claim 12)*

*... ;*

*substituting a script calling portion with a portion for calling the script (Fig. 5 #520/524/528, col. 7 lines 9-24 and claim 12) ... ;*

*... ;*

*sending the converted document to said client; and*

*executing, on the relay server, a script in the converted document called by said client. (Abstract, col. 2 lines 39-45 and col. 1 lines 6-10, it being merely a matter of obvious design choice as to where one chooses to run a software executable)*

However, Harrington does not explicitly disclose:

*... ;*

*... ;*

*... ;*

*storing the script in storage means;*

*... stored in said storage means;*

*outputting a resulting document as a converted document;*

*... ;*

*...*

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Guthrie, though, discloses:

... :

... ;

... ;

*storing the script in storage means*; (Fig. 5 #500/509, further col. 9 lines 25-67 discloses the well known concept of a client/server architecture, it further being merely a matter of obvious design choice as to what one stores and where one stores it)

*... stored in said storage means*; (Fig. 5 #500/509, it being merely a matter of obvious design choice as to what data is stored and where)

*outputting a resulting document as a converted document*; (Fig. 5 #503/506/510)

... ;

...

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Guthrie for the benefit of Harrington, because to do so would have allowed a programmer into an existing document, as taught by Guthrie in the Abstract. These references were all applicable to the same field of endeavor, i.e., web-based programming.

**Claim 24** is substantially similar to claim 2, and therefore likewise rejected.

**Regarding claim 25**, which is dependent upon claim 24, the limitations of claim 24 have been previously addressed.

However, Harrington does not explicitly disclose:

*said storage means comprises script storage means, and when a display portion and the script, which form the document, are separately provided, said storing step stores the script in said script storage means, and said substituting step substitutes the script calling portion with the portion for calling the script stored in said script storage means.*

Guthrie, though, discloses:

said storage means comprises script storage means, and when a display portion and the script, which form the document, are separately provided, said storing step stores the script in said script storage means, and said substituting step substitutes the script calling portion with the portion for calling the script stored in said script storage means. (Fig. 5 #505/503/506/510/509, show storing of document and script in memory, it being merely a matter of obvious design choice as to the name and invocation time of a particular processing step, especially such a well known step like "storing of data")

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Guthrie for the benefit of Harrington, because to do so would have allowed a programmer into an existing document, as taught by Guthrie in the Abstract. These references were all applicable to the same field of endeavor, i.e., web-based programming.

**Claim 26** is substantially similar to claim 12, and therefore likewise rejected.

**Regarding claim 27**, which is dependent upon claim 22, the limitations of claim 2 have been previously addressed.

However, Harrington does not explicitly disclose:

*further including storing the documents in said storage means.*

Guthrie, though, discloses:

further including storing the documents in said storage means. (Fig. 5 #505/510/509, show storing of document and script in memory, it being merely a matter of obvious design choice as to the name and invocation time of a particular processing step, especially such a well known step like "storing of data" and col. 9 lines 25-67 disclose the well known concept of a client/server architecture, it

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further being merely a matter of obvious design choice as to what one stores and where one stores it)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Guthrie for the benefit of Harrington, because to do so would have allowed a programmer into an existing document, as taught by Guthrie in the Abstract. These references were all applicable to the same field of endeavor, i.e., web-based programming.

8. **Claims 11 and 23 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Harrington et al (US Patent No. 6,775,820, filed Nov. 29, 2000 and issued Aug. 10, 2004, hereafter referred to as "Harrington") in view of Guthrie (US Patent No. 6,266,681, filed Apr. 8, 1997 and issued Jul. 24, 2001, hereafter referred to as "Guthrie") and further in view of Sokolov (US Patent No. 6,823,504, filed Nov. 15, 2000 and issued Nov. 23, 2004, hereafter referred to as "Sokolov").

**Regarding claim 11**, which is dependent upon claim 10, the limitations of claim 10 have been previously addressed.

However, Harrington does not explicitly disclose:

*wherein said storage means stores the document and the script.*

Sokolov, though, discloses:

*wherein said storage means stores the document and the script.* (the use of portable communications terminals is well known in the art as evidenced by col. 1 lines 56-62)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Sokolov for the benefit of Harrington in view of Guthrie, because to do so would have allowed a system implementer to use a smaller memory footprint, as taught by Sokolov in col. 1 line 65 – col. 2 line 5. These references were all applicable to the same field of endeavor, i.e., web-based programming.

**Claim 23** is substantially similar to claim 11, and therefore likewise rejected.

9. **Claims 18-20 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Harrington et al (US Patent No. 6,775,820, filed Nov. 29, 2000 and issued Aug. 10, 2004, hereafter referred to as “Harrington”) in view of Guthrie (US Patent No. 6,266,681, filed Apr. 8, 1997 and issued Jul. 24, 2001, hereafter referred to as “Guthrie”) and further in view of Underwood et al (US Patent No. 6,601,057, provisionally filed Nov. 5, 1999 and issued Jul. 29, 2003, hereafter referred to as “Underwood”).

**Regarding claim 18**, which is dependent upon claim 10, the limitations of claim 10 have been previously addressed.

However, Harrington does not explicitly disclose:

*wherein said client comprises ID information storage means for storing ID information which specifies a caller, and said relay server comprises authentication means for receiving the ID information from said client and for comparing the ID information with a list of ID information which is allowed to use said relay server, and wherein said authentication means determines whether*

*said client is allowed to use said relay server based on an authentication result of said authentication means.*

Underwood, though, discloses:

*wherein said client comprises ID information storage means for storing ID information which specifies a caller, and said relay server comprises authentication means for receiving the ID information from said client and for comparing the ID information with a list of ID information which is allowed to use said relay server, and wherein said authentication means determines whether said client is allowed to use said relay server based on an authentication result of said authentication means. (Fig. 47A and col. 41 lines 5-7 discuss the well known function of user authentication)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Underwood for the benefit of Harrington in view of Guthrie, because to do so would have allowed one to easily change the look and feel of a web site, as taught by Underwood in col. 4 lines 8-12. These references were all applicable to the same field of endeavor, i.e., web-based programming.

**Regarding claim 19**, which is dependent upon claim 18, the limitations of claim 18 have been previously addressed.

However, Harrington does not explicitly disclose:

*further comprising accounting means for performing accounting to bill the which is determined to be allowed to use said relay server by said authentication means for the use of: a conversion function for receiving the document and the script extracting at least the script from the document and the script and separately storing the script in said storage means, substituting the script calling portion in the document with the portion for calling the script stored in said storage means, and outputting a resulting document as a converted document; and an execution for executing the script in the converted document called by said client.*



Underwood, though, discloses:

*further comprising accounting means for performing accounting to bill the which is determined to be allowed to use said relay server by said authentication means for the use of: a conversion function for receiving the document and the script extracting at least the script from the document and the script and separately storing the script in said storage means, substituting the script calling portion in the document with the portion for calling the script stored in said storage means, and outputting a resulting document as a converted document; and an execution for executing the script in the converted document called by said client. (Fig. 82 re: Billing, and col. 52 lines 23-50 discuss billing [i.e., accounting] functions)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Underwood for the benefit of Harrington in view of Guthrie, because to do so would have allowed one to easily change the look and feel of a web site, as taught by Underwood in col. 4 lines 8-12. These references were all applicable to the same field of endeavor, i.e., web-based programming.

**Regarding claim 20**, which is dependent upon claim 19, the limitations of claim 19 have been previously addressed.

However, Harrington does not explicitly disclose:

*wherein said accounting means updates accounting in formation corresponding to the ID in formation every time said client uses the conversion function and the execution function.*

Underwood, though, discloses:

*wherein said accounting means updates accounting in formation corresponding to the ID in formation every time said client uses the conversion function and the execution function. (col. 52 lines 46-50 discuss billing [i.e., accounting] functions on a per user basis)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Underwood for the benefit of Harrington in view of Guthrie, because to do so would have allowed one to easily change the look and feel of a web site, as taught by Underwood in col. 4 lines 8-12. These references were all applicable to the same field of endeavor, i.e., web-based programming.

### *Response to Arguments*

10. Applicant's arguments have been fully considered but they are not persuasive.

#### Regarding the FAOM rejections of the claims:

Regarding the rejections of the claims under 35 USC 103(a), Applicant asserts in the Remarks on pages 16-17 that the primary reference, Harrington, does not disclose "script calling portion substitution" or "script execution means on a server".

The Office respectfully disagrees with Applicant's assessment of the prior art. First, Harrington teaches substituting Visual Basic Script for JavaScript in the cited passage, specifically col. 7 lines 11-12 and further is claimed in claim 12 of Harrington. As far as whether actual code or a function call is used to implement, such a feature is merely a matter of obvious design choice. The terms "re-coding" and "substituting" are reasonably construed as synonymous terms, or at least as obvious variants of each other. Regarding Applicant's second assertion, the Office submits that where execution of software takes place does not impart novelty / overcome obviousness in a client/server environment. Harrington discloses in col. 7

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lines 19-24 the use of a client/server environment. It is well known in the computer software arts that execution location may be varied. For at least these reasons, the Office respectfully asserts its position regarding the rejections of the claims using the cited prior.

The Office therefore maintains the FAOM rejections:

1) of claims 1-10, 12-17, 21-22 and 24-27 under 35 U.S.C. 103(a) as being unpatentable over Harrington in view of Guthrie, in view of the amendment, with modifications corresponding to the amendment changes; and

2) of claims 11 and 23 under 35 U.S.C. 103(a) as being unpatentable over Harrington in view of Guthrie and in further view of Sokolov, in view of the amendment, with modifications corresponding to the amendment changes; and

3) of claims 18-20 under 35 U.S.C. 103(a) as being unpatentable over Harrington in view of Guthrie and in further view of Underwood, in view of the amendment, with modifications corresponding to the amendment changes.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

### **Non-patent Literature**

#### **US Patent Application Publications**

Whitledge et al	6,925,595
Robotham et al	6,704,024

**US Patents**

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M Stevens whose telephone number is (571) 272-4102. The examiner can normally be reached on M-F 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on (571) 272-4136. The current fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Additionally, the main number for Technology Center 2100 is (571) 272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert M. Stevens  
Reg. No. 47,972  
Art Unit 2176  
Date: September 16, 2005

rms

*William L. Bashore*  
WILLIAM BASHORE  
PRIMARY EXAMINER  
9/14/2005